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Attorneys for Plaintiff

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 THOMAS SIPAN, individually,

Case no. 2:19-cv-00604-RFB-DJA

11 Plaintiff,

12 vs.

13 STATE FARM MUTUAL AUTOMOBILE
14 INSURANCE COMPANY, individually; DOES I-
15 X, and ROE CORPORATIONS I-X,

16 Defendant.

JOINT PRETRIAL ORDER

17 After pretrial proceedings in this cause,

18 IT IS SO ORDERED:

19 **I.**

NATURE OF THE ACTION

20 This is an action for the alleged breach of an insurance contract for uninsured motorist coverage arising
21 from a motor vehicle accident that occurred on February 23, 2015, including related claims of bad faith and
22 violations of NRS 686A.310.

23 **II.**

STATEMENT OF JURISDICTION

24 Defendant removed this action to the United States District Court from the District of Nevada on
25 April 9, 2019, pursuant to 28 U.S.C. § 1441(b). Defendants' removal of this action was timely pursuant to
26 28 U.S.C. § 1446(b)(3).

This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) because Plaintiff is and was at all relevant times a domiciliary of the State of Nevada, the amount in controversy exceeds \$75,000.00 exclusive of costs and interest, and Defendant is and was at all relevant times a corporation duly incorporated in the State of Illinois and with a principal place of business in the State of Illinois.

The parties admit that the venue is properly laid in the United States District Court for the District of Nevada pursuant to 28 U.S.C. § 1391(b)(2).

III. ADMITTED FACTS

The following facts are admitted by the parties and require no proof:

1. State Farm Mutual Automobile Insurance Company issued policy number 0301-146-28D to Laurie Robinson, mother of Thomas Sipan, with a medical payments line of coverage limit of \$1,000 and an uninsured motorist liability line of coverage of \$250,000 per person.

2. On or about February 23, 2015, Plaintiff Thomas Sipan was lawfully present at the crosswalk, located in Clark County.

IV. UNCONTESTED FACTS

The following facts, though not admitted, will not be contested at trial by evidence to the contrary:

1. On February 23, 2015, as he was riding his bicycle, Plaintiff was struck by a motor vehicle while in a crosswalk in Clark County, Nevada. The identity and or vehicle that struck Plaintiff have not been identified

V. CONTESTED FACTS

The following are issues of facts to be tried and determined upon trial:

1. Whether Defendant breached its obligations under the insurance contract by failing to pay the value of the claim;

1 2. The value of the plaintiff's claim;

2 3. Whether Defendant's liability to Plaintiff was reasonably clear at the time of Plaintiff's
3 demands;

4 4. Whether Defendant had a reasonable basis for its evaluation of plaintiff's claim;

5 5. Whether Defendant knew or should have known the basis for its decision on plaintiff's claim
6 was unreasonable;

7 6. Whether Defendant failed to effectuate a prompt, fair, and equitable settlement of Plaintiff's
8 claim;

9 7. Whether Defendant's failure to effectuate a prompt, fair, and equitable settlement of Plaintiff's
10 claim was done with the prior knowledge or permission of an officer, director, or department head.

11 8. Whether Defendant's decision to breach its duty of good faith and fair dealing to Plaintiff was
12 done with an intent to deprive Plaintiff of his benefits under the insurance contract;

13 9. Whether Defendant acted with malice, fraud, or oppression in its handling and evaluation of
14 Plaintiff's claim;

15 10. Whether Plaintiff's medical expenses were necessarily incurred as a result of the subject
16 accident;

17 11. Whether such medical expenses were reasonable and customary;

18 12. Whether Plaintiff will be reasonably certain to incur medical expenses in the future as a result
19 of the subject accident. If so, whether such future medical expenses are reasonable and customary;

20 13. Whether Plaintiff's lost wages were caused by the subject accident and are attributable to
21 Defendant's handling of his claim;

22 14. Whether Defendant's handling of Plaintiff's claim caused Plaintiff to lose enjoyment of his
23 life;

24 15. Whether Defendant's handling of Plaintiff's claim will cause Plaintiff to lose enjoyment of

his life in the future;

16. Whether Defendant's handling of Plaintiff's claim caused Plaintiff to lose his ability to perform household services;

17. Whether Plaintiff is entitled to general damages, including pain and suffering, as a result of the subject accident and Defendant's handling of his claim;

18. Whether a genuine dispute existed as to the value of the plaintiff's claim so as to preclude a finding of bad faith;

19. Whether plaintiff suffered any damages as a result of defendant's decision on his claim;

20. Whether plaintiff suffered any damages as a result of defendant's alleged violation of NRS 686A.310(1)(e)

VI. **ISSUES OF LAW**

The following are the issues of law to be tried and determined upon trial (each issues of law must be stated separately and in specific terms): None.

VII. EXHIBITS

(a) The following exhibits are stipulated into evidence in this case and may be so marked by the clerk:

None.

(b) As to the following exhibits, the party against whom the same will be offered objects to their admission upon the grounds stated:

1. Plaintiff's Exhibits and Defendant's Objections thereto:

BATES NO.	DESCRIPTION	OBJECTIONS
SRDH0001-0063	Records from St. Rose Dominican Hospital – San Martin	Foundation; Hearsay
CHBS0001-0018	Records from Children's Bone & Spine Surgery	Foundation; Hearsay
DSVP0001-0038	Records from Desert Valley Pediatrics	Foundation; Hearsay
SDMI0001-	Records from Steinberg Diagnostic	Foundation; Hearsay

1	0024	Medical Imaging	
2	NOSC0001-0024	Records from Nevada Orthopedic & Spine Center	Foundation; Hearsay
3	ATPT0001-0089	Records from ATI Physical Therapy	Foundation; Hearsay
4	MSPT0001-0020	Records from Matt Smith Physical Therapy	Foundation; Hearsay
5	GLAT0001-0057	Records from Gary LaTourette, MD	Foundation; Hearsay; Relevance
6	HPVA0001-0028	Records from Dr. Housecalls of Paradise Valley	Foundation; Hearsay
7	REPL0001-0014	Records from Rehab Plus	Foundation; Hearsay
8	BABS0001-0005	Records from Barrow Brain and Spine	Foundation; Hearsay
9	SPNC0001-0042	Records from Sonoran Spine Center	Foundation; Hearsay
10	SSMC0001-0089	Records from Honor Health – SSMC Shea Medical Center	Foundation; Hearsay
11	STMC0001-0037	Records from Honor Health – STPMC Thompson Peak Medical Center	Foundation; Hearsay
12	IPSI0001-0015	Records from Interventional Pain and Spine Institute	Foundation; Hearsay; Relevance
13	LVNI0001-0025	Records from Las Vegas Neurosurgical Institute	Foundation; Hearsay; Relevance
14	INPC0001-0022	Records from Integrated Pain Consultants	Foundation; Hearsay; Relevance
15	PSCE0001-0009	Records from Physicians Surgical Center	Foundation; Hearsay
16	SIMI0001-0008	Records from Simon Med Imaging	Foundation; Hearsay
17	PRME0001-0044	Records from Prime Med	Foundation; Hearsay
18	PRMG0001-0022	Records from ProCare Medical Group	Foundation; Hearsay
19	CRMC0001-0146	Records from Chandler Regional Medical Center	Foundation; Hearsay
20	MVOS0001-0050	Records from Mountain Vista Orthopedic Specialists	Foundation; Hearsay
21	AZSM0001-0004	Records from AZ Sports Medicine	Foundation; Hearsay
22	PSPR0001-0033	Records from Pro Sports Performance & Rehabilitation	Foundation; Hearsay
23	SRDH0064-0093	Billing from St. Rose Dominican Hospital	Foundation; Hearsay
24	FRES0001	Billing from Fremont Emergency Services	Foundation; Hearsay

1	RANV0001-0002	Billing from Radiology Associates of Nevada	Foundation; Hearsay
2	CHBS0019-0022	Billing from Children's Bone & Spine Surgery	Foundation; Hearsay
3	DSVP0039-0043	Billing from Desert Valley Pediatrics	Foundation; Hearsay
4	SDMI0025-0027	Billing from Steinberg Diagnostic Medical Imaging	Foundation; Hearsay
5	NOSC0025-0026	Billing from Nevada Orthopedic & Spine Center	Foundation; Hearsay
6	ATPT0090-0096	Billing from ATI Physical Therapy	Foundation; Hearsay
7	MSPT0020	Billing from Matt Smith Physical Therapy	Foundation; Hearsay
8	GLAT0058-0064	Billing from Gary LaTourette, MD	Foundation; Hearsay; Relevance
9	HPVA0029-0035	Billing from Dr. Housecalls of Paradise Valley	Foundation; Hearsay
10	REPL0015-0016	Billing from Rehab Plus	Foundation; Hearsay
11	SSMC0090-0095	Billing from Honor Health – SSMC Shea Medical Center	Foundation; Hearsay
12	BABS0006	Billing from Barrow Brain & Spine	Foundation; Hearsay
13	SPNC0043-0048	Billing from Sonoran Spine Center	Foundation; Hearsay
14	SSMC0038-0043	Billing from Honor Health – STPMC Thompson Peak Medical Center	Foundation; Hearsay
15	SDES0001	Billing from Scottsdale Emergency Associates	Foundation; Hearsay
16	IPSI0016	Billing from Interventional Pain and Spine Institute	Foundation; Hearsay; Relevance
17	LVNI0026	Billing from Las Vegas Neurosurgical Institute	Foundation; Hearsay; Relevance
18	WALP0001	Billing from Walgreens Pharmacy	Foundation; Hearsay
19	INPC0023-0029	Billing from Integrated Pain Consultants	Foundation; Hearsay
20	PSCE0010	Billing from Physicians Surgical Center	Foundation; Hearsay
21	SMAS0001-0002	Billing from Scottsdale Mobile C-Arm Services	Foundation; Hearsay
22	SIMI0009-0010	Billing from Simon Med Imaging	Foundation; Hearsay
23	PRME0045-0046	Billing from Prime Med	Foundation; Hearsay
24	PRMG0023-0026	Billing from Procare Medical Group	Foundation; Hearsay
25		Billing from Defining Elegancy	Foundation; Hearsay; Relevance

1	DEDM0001	Delivery Excellence Exquisite Massage & Wellness	
2	CRMC0147-0152	Billing from Chandler Regional Medical Center	Foundation; Hearsay
3	MVOS0051-0058	Billing from Mountain Vista Orthopedic Specialists	Foundation; Hearsay
4	AZSM0005	Billing from AZ Sports Medicine	Foundation; Hearsay
5	PSPR0005-0023	Billing from Pro Sports Performance & Rehabilitation	Foundation; Hearsay

7 Plaintiff reserves the right to offer into evidence any exhibit timely and properly disclosed during
 8 discovery for the purpose of impeachment.
 9

10 Plaintiff reserves the right to utilize and/or seek to publish and/or admit into evidence all deposition
 11 testimony, all affidavits filed or attached to any motion or pleading in this case, and all responses to discovery
 12 from any party in this case for purposes of impeachment.

13 Plaintiff reserves the right to offer into evidence any exhibit timely and properly disclosed during
 14 discovery for the purposes of rebuttal.
 15

16 Plaintiff reserves the right to offer into evidence any exhibit offered by any other parties to this action.
 17

18 In addition to the above objections:

19 a. Defendant reserves the right to make further objections regarding Plaintiff's proposed
 20 exhibits, including objections under FED. R. CIV. P. 402 and FED. R. CIV. P. 403.

21 b. Defendant further objects to the extent that any exhibits involve matters in violation of any
 22 orders of the Court.

23 c. Defendant reserves the right to supplement or amend its objections as exhibits are introduced
 24 and to the extent that additional documents/exhibits, if any, are identified.

25 d. Defendant objects to all disclosures which are not properly authenticated at the time of trial.
 26

27 **Plaintiff's Use of Demonstrative Exhibits & Defendant's Objections:**

28 Plaintiff may offer, at trial, certain Exhibits for demonstrative purposes including, but not limited to
 the following:

1. Demonstrative and charts relating to Plaintiff's damage claims;
 2. Story board and computer digitized power point images;
 3. Blow-ups/transparencies/digitized images of various records; and
 4. Plaintiff reserves the right to offer into evidence any exhibit timely and properly disclosed
 during discovery for the purpose of demonstration at trial. Additionally, Plaintiff reserves the right to offer
 into evidence any exhibit offered by any other parties to this action.

Defendant will offer objections in a timely fashion to demonstratives as applicable at the time of
 presentation as there are none expressly cited or produced as of the date of this proposed order.

2. Defendant's Exhibits and Plaintiff's Objections thereto:

BATES NO.	DESCRIPTION	PLAINTIFF'S OBJECTIONS
CF-000001 – CF002025	Redacted Claims File	Authentication [FED. R. EVID. 901] Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403] Calls for Expert Testimony [FED. R. EVID. 702]
SFSMR000001- 48	Medical Records from Desert Valley Pediatrics for Thomas Sipan	Authentication [FED. R. EVID. 901] Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403]
SFSMR000049- 110	Medical records from Gary J. La Tourette, M.D. for Thomas Sipan	Authentication [FED. R. EVID. 901] Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403]

BATES NO.	DESCRIPTION	PLAINTIFF'S OBJECTIONS
SFSMR000110-118	Medical records from Nevada Orthopedic & Spine Center for Thomas Sipan	Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403]
SFSMR000119-155	Medical records from Doctor Housecalls of Paradise Valley for Thomas Sipan	Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403]
SFSMR000156-193	Medical records from Sonoran Spine Center for Thomas Sipan	Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403]
SFSMR000194-216	Medical records from Interventional Pain and Spine	Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403]
	Transcript of the deposition of Jeffrey Stempel, taken October 12, 2018, in the matter Ethan Alan Adair v. State Farm Mutual Automobile Insurance Company, case number 2:17-cv-00421-RFB-DJA, filed in the United States District Court, District of Nevada.	Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403]
	Youtube video titled "Lil Honda - Dreamboat featuring Christian Nebula - official music video", available at the following URL: https://www.youtube.com/watch?v=SJ78rn9qH5c	Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403]
	Youtube video titled "Lil Honda & Lil Raceway - Live in Las Vegas (Recap) shot by @ReelBump, available at the following URL: https://www.youtube.com/watch?v=sMTxIqIiEJY	Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403]
	Youtube video titled "Lil Honda - Smile Official Music Video" available at the following URL: https://www.youtube.com/watch?v=AozUBwYxPCk	Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802]

BATES NO.	DESCRIPTION	PLAINTIFF'S OBJECTIONS
		Relevance / Prejudicial [FED. R. EVID. 402-403]

(c) Whether the parties intend to present electronic evidence for purposes of jury deliberations:

The parties will submit electronic evidence to the jury for utilization in the jury room during their deliberations.

Defendant's Use of Demonstrative Exhibits & Plaintiff's Objections:

Defendant intends to offer demonstratives that may include diagrams, charts, lists, and other presentation aids in presenting its case to the jury.

Other Agreements Regarding Exhibits:

With the exception of exhibits to be used solely for impeachment, the parties request that each evening by 8:00 p.m., they will exchange the exhibits that they plan to use the following day so that any exhibit disputes/objections can be addressed by the Court each morning before trial resumes. In addition, the parties will identify each witness that they intend to call at trial not less than 24 hours prior to calling each witness to testify. The failure to abide by these deadlines does not preclude either party from moving for the admission of other exhibits and/or calling a different witness when such timeline cannot be abided by.

Depositions:

None to be offered save for impeachment purposes or in the event of the unavailability of the witness.

(d) Objections to Depositions:

None

VIII. WITNESSES

The following witnesses may be called upon by the parties at trial:

(a) Plaintiff's Witnesses:

1. THOMAS SIPAN
c/o Paul D. Powell, Esq.
The Powell Law Firm
8918 Spanish Ridge Avenue, Suite 100
Las Vegas, Nevada 89148
2. The Person Most Knowledgeable
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY
c/o Benjamin Carman, Esq.
Carman Cooney Forbush, PLLC
4045 Spencer Street, Suite A47
Las Vegas, Nevada 89119
3. Peter Sowell
Claim Specialist
c/o State Farm Mutual Automobile Insurance Company
P.O. Box 106171
Atlanta, Georgia 30348-6171
4. Clayton Ande
Former Claim Specialist, State Farm Mutual Automobile Insurance Company
5. Jenny Lin
Claim Specialist
c/o State Farm Mutual Automobile Insurance Company
P.O. Box 106171
Atlanta, Georgia 30348
6. Roderick Ballelos, MD
Person Most Knowledgeable and/or
Custodian of Records
St. Rose Dominican Hospital – San Martin Campus
8280 W. Warm Springs Road
Las Vegas, Nevada 89113
7. Roderick Ballelos, MD
Person Most Knowledgeable and/or
Custodian of Records
Fremont Emergency Services
P.O. Box 638972
Cincinnati, Ohio
8. Dana Murakami, MD
Person Most Knowledgeable and/or
Custodian of Records
Radiology Associates of Nevada
5945 S. Rainbow Boulevard
Las Vegas, Nevada 89118

1
2 9. Jason Nielson, MD
3 Person Most Knowledgeable and/or
4 Custodian of Records
5 Children's Bone & Spine Surgery
6 9050 W. Cheyenne Avenue, Suite 110
7 Las Vegas, Nevada 89129

8
9 10. Jacqueline Perez-Tselikis, MD
10 Person Most Knowledgeable and/or
11 Custodian of Records
12 Desert Valley Pediatrics
13 10105 Banbury Cross Drive, Suite 370
14 Las Vegas, Nevada 89144

15
16 11. Daniel Zurcher, MD
17 Stephen Chen, MD
18 Ho Nguyen, MD
19 Ricardo Linares, MD
20 Person Most Knowledgeable and/or
21 Custodian of Records
22 Steinberg Diagnostic Medical Imaging
23 6925 N. Durango Drive
24 Las Vegas, Nevada 89149

25
26 12. Michael Thomas, MD
27 Person Most Knowledgeable and/or
28 Custodian of Records
29 Nevada Orthopedic & Spine Center
30 7455 W. Washington Avenue, Suite 160
31 Las Vegas, Nevada 89128

32
33 13. Michael McKay, PT
34 Person Most Knowledgeable and/or
35 Custodian of Records
36 ATI Physical Therapy
37 3155 W. Craig Road, Suite 120 & 130
38 North Las Vegas, Nevada 89032

39
40 14. Jared Morasco, PT
41 Eleni Metros, PT
42 Person Most Knowledgeable and/or
43 Custodian of Records
44 Matt Smith Physical Therapy
45 8551 W. Lake Mead Boulevard, Suite 170
46 Las Vegas, Nevada 89128

47
48 15. Gary LaTourette, M.D.

1 Person Most Knowledgeable and/or
2 Custodian of Records
3 2100 Pinto Lane
Las Vegas, Nevada 89106

4 16. Steven Lipsky, M.D.
5 Person Most Knowledgeable and/or
Custodian of Records
6 Dr. Housecalls of Paradise Valley
7 6721 N. 62nd Street
Paradise Valley, Arizona 85253

8 17. Seth Robinson, PTA
9 Steven Thomas, PT
Person Most Knowledgeable and/or
10 Custodian of Records
11 Rehab Plus
4201 E. Thomas Road
12 Phoenix, Arizona

13 16. Person Most Knowledgeable and/or
14 Custodian of Records
15 Southwest Diagnostic Imaging
2323 W. Rose Garden Lane
16 Phoenix, Arizona 85027

17 17. Tyler Gasser, MD
Person Most Knowledgeable and/or
18 Custodian of Records
19 Scottsdale Medical Imaging
20 Mountain View Hospital
9220 W. Mountain View, Suite 100
21 Scottsdale, Arizona 85258

22 18. Frederick Marciano, MD
Person Most Knowledgeable and/or
23 Custodian of Records
24 Barrow Brain and Spine
2910 N. 3rd Avenue
25 Phoenix, Arizona 85013

26 19. Lyle Christopher Young, MD
Person Most Knowledgeable and/or
27 Custodian of Records
28 Sonoran Spine Center
1255 W. Rio Salado Parkway, Suite 107
Tempe, Arizona 85281

20. Kurt Solem, MD

1 Megan Hoover, PA-C
2 Person Most Knowledgeable and/or
3 Custodian of Records
4 Honor Health
5 SSMC Shea Medical Center
6 9003 E. Shea Boulevard
7 Scottsdale, Arizona 85255

8

9 21. Lyle Christopher Young, MD
10 Amarjyot Gill, MD
11 Person Most Knowledgeable and/or
12 Custodian of Records
13 Honor Health
14 STPMC Thompson Peak Medical Center
15 7400 E. Thompson Peak Parkway
16 Scottsdale, Arizona 85255

17 22. Kurt Solem, MD
18 Person Most Knowledgeable and/or
19 Custodian of Records
20 Scottsdale Emergency Associates
21 P.O. Box 98601
22 Las Vegas, Nevada 89193

23 23. Jorg Rosler, Md
24 Andrew Hall, MD
25 Person Most Knowledgeable and/or
26 Custodian of Records
27 Interventional Pain and Spine Institute
28 851 S. Rampart Boulevard, Suite 100
Las Vegas, Nevada 89145

29 24. Jason Garber, MD
30 Person Most Knowledgeable and/or
31 Custodian of Records
32 Las Vegas Neurosurgical Institute
33 3012 S. Durango Drive
34 Las Vegas, Nevada 89117

35 25. Person Most Knowledgeable and/or
36 Custodian of Records
37 Walgreens Pharmacy
38 1901 E. Vorhees Street
39 Danville, Illinois 61834

40 26. Nikesh Seth, MD
41 Emily Tyler, ACNP
42 Person Most Knowledgeable and/or

Custodian of Records
Integrated Pain Consultants
7417 N. Via Del Norte, Suite 161
Scottsdale, Arizona 85258

27. Nikesh Seth, MD
Person Most Knowledgeable and/or
Custodian of Records
Physicians Surgical Center
7102 E. Acoma Drive
Scottsdale, Arizona 85016

28. Person Most Knowledgeable and/or
Custodian of Records
Scottsdale Mobile C-Arm Services
1934 E. Camelback Road, Suite 120-301
Phoenix, Arizona 85016

29. B. Todd Curtis, MD
James Murphy, MD
Travis Scharnweber, MD
Tadesse Eshetu, MD
Person Most Knowledgeable and/or
Custodian of Records
Simon Med Imaging – Fashion Square
6740 E. Camelback Road, Suite 100
Scottsdale, Arizona 85251

31. Franco M. Lee, MD
Person Most Knowledgeable and/or
Custodian of Records
Prime Med
5741 S. Fort Apache Road, Suite 120
Las Vegas, Nevada 89148

32. Sang D. Tran, MD
Joel Lin, DO
Person Most Knowledgeable and/or
Custodian of Records
Procare Medical Group
6870 S. Rainbow Boulevard, Suite 106-107
Las Vegas, Nevada 89118

33. Beverly Last Name Unknown
Jennifer Wime
Person Most Knowledgeable and/or
Custodian of Records
Defining Elegance Delivery Excellence Exquisite Massage & Wellness
555 W. Beech Street, Suite 500

1 San Diego, California 92101

2 34. Person Most Knowledgeable and/or
3 Custodian of Records
4 Chandler Regional Medical Center
1955 West Frye Road
Chandler, Arizona 85224

5 35. Gary LaTourette, M.D.
6 Harvey Smith, PA-C
7 Person Most Knowledgeable and/or
8 Custodian of Records
9 Mountain Vista Orthopedic Specialists
6301 S. Mountain Vista, Suite 204
Henderson, Nevada 89014

10 36. Erik Dean, D.O.
11 Person Most Knowledgeable and/or
12 Custodian of Records
13 AZ Sports Medicine
14 8630 East Via De Ventura Boulevard, Suite 105
Scottsdale, Arizona 85258

15 37. Troy Meiners, PT, ATC, SCS, CSCS
16 Person Most Knowledgeable and/or
17 Custodian of Records
18 Pro Sports Performance and Rehab
8630 E. Via de Ventura, Suite 101
Scottsdale, Arizona 85258

19 38. Jeffrey W. Stempel
20 Doris S. & Theodore B. Lee Professor of Law
21 William S. Boyd School of Law
22 University of Nevada, Las Vegas
4505 South Maryland Parkway – Box 451003
Las Vegas, Nevada 89154

23 39. Jason E. Garber, M.D., FAANS, FACS
24 Las Vegas Neurosurgical Institute
25 3012 South Durango Drive
Las Vegas, Nevada 89117

26 40. Any claims adjuster that worked on the claims file
27 c/o State Farm Mutual Automobile Insurance Company
28 P.O. Box 106171
Atlanta, Georgia 30348-6171

(B) Defendant's witnesses:

1. Thomas Sipan
c/o Paul D. Powell, Esq.
THE POWELL LAW FIRM
8918 Spanish Ridge Ave. #100
Las Vegas, NV 89148
Tel: 702.728.5500

2. Clayton Ande
4336 Cashmere Drive NE
Lacy, WA 98516

3. Michael Hyland
c/o Carman Cooney Forbush PLLC
4045 Spencer Street Suite A47
Las Vegas, NV 89119

4. Darilyn D. David
c/o Claims Resource Management, Inc.
33345 Santiago Rd.
Acton, CA 93510

5. Dr. William Salyer
c/o OrthoArizona
3033 N. 44th Street, Suite 100
Phoenix, AZ 85018

6. Dr. Lyle Young
2557 S. Val Vista Drive, Suite 103
Gilbert, AZ 85295

7. Jennifer Lin
c/o Carmon Cooney Forbush PLLC
4045 Spencer Street Suite A47
Las Vegas, Nevada 89119

IX.
TRIAL DATE

The attorneys or parties have met and jointly offer these three trial dates:

1. October 17, 2022

1 2. November 14, 2022

2 3. January 9, 2023

3 It is expressly understood by the undersigned that the court will set the trial of this matter on one of the
4 agreed upon dates, if possible. If not, the trial will be set at the convenience of the Court's calendar.
5

6

7 **X.**
8 **LENGTH OF TRIAL**

9 It is estimated that the trial herein will take a total of 7-10 full days.

10 Dated March 23, 2022.

Dated March 23, 2022.

11 The Powell Law Firm

Carman Cooney Forbush PLLC

13 /s/ Tom W. Stewart

/s/ Benjamin J. Carman

13 Tom W. Stewart (14280)

13 Benjamin J. Carman (12565)

14 Attorney for Plaintiff

14 Attorney for the Defendant

15

16 **XI.**
ACTION BY THE COURT

17 This case is set for jury trial on the fixed / stacked calendar on February 5, 2024 at 8:30 am in LV 7C.

18 Calendar call will be held on January 30, 2024 at 1:30 pm in LV 7C.

19 IT IS SO ORDERED.

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23 RICHARD F. BOULWARE, II
24 UNITED STATES DISTRICT JUDGE

26 DATED: March 30, 2023